

REGULAR MEETING

COMMISSION CHAMBER

March 29, 2005

Augusta Richmond County Commission convened at 2:06 p.m., Tuesday, March 29, 2005, the Honorable Marion Williams, Mayor Pro Tem, presiding.

PRESENT: Hons. Hankerson, Smith, Mays, Grantham, Colclough, Cheek, Beard, and Sims, members of Augusta Richmond County Commission.

ABSENT: Hon. Bob Young, Mayor and Boyles, member of Augusta Richmond County Commission.

Also Present: Steve Shepard, Attorney; Fred Russell, Administrator; Lena Bonner, Clerk of Commission.

The Invocation was given by Rev. Donald Jordan.
The Pledge of Allegiance was recited.

CONSENT AGENDA ITEMS:

PUBLIC SERVICES:

1. Motion to approve a request by Emily E. Strickland for a Therapeutic Massage license to be used in connection with Jon Ric International Medical Day Spa & Salon located at 229 Fury's Ferry Rd. District 7. Super District 10. (Approved by Public Services Committee March 21, 2005)
2. Motion to approve a request by Jan Scholer for a Special Events license to be used in connection with Wild Wing Café located at 3035 Washington Rd. for April 8, 2005. District 7. Super District 10. (Approved by Public Services Committee March 21, 2005)
3. Motion to approve a request by Lisa Edmonds to transfer the Liquor, Beer & Wine license used in connection with the Good Life Lounge located at 3602 Milledgeville Rd. to 1524 Gordon Hwy. There will be dance. District 2. Super District 9. (Approved by Public Services Committee March 21, 2005)
4. Deleted from the consent agenda.
5. Motion to approve a request by David F. Sandbach for a retail package Beer & Wine license to be used in connection with the Pumping Station, Inc. located at 4149 & 4145 Windsor Spring Rd. District 4. Super District 9. (Approved by Public Services Committee March 21, 2005)
6. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3176 located at 1713 Martin Luther King Blvd. District 2. Super District 9. (Approved by Public Services Committee March 21, 2005)
7. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3171 located at 1739 Walton Way. District 1. Super District 9. (Approved by Public Services Committee March 21, 2005)

8. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3174 located at 1947 Gordon Hwy. District 5. Super District 9. (Approved by Public Services Committee March 21, 2005)
9. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3173 located at 902 Walton Way. District 1. Super District 9. (Approved by Public Services Committee March 21, 2005)
10. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3175 located at 3418 Mike Padgett Hwy. District 2. Super District 9. (Approved by Public Services Committee March 21, 2005)
11. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3181 located at 2058 Central Ave. District 1. Super District 9. (Approved by Public Services Committee March 21, 2005)
12. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3179 located at 3315 Peach Orchard Rd.. District 6. Super District 10. (Approved by Public Services Committee March 21, 2005)
13. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3178 located at 2631 Washington Rd... District 7. Super District 10. (Approved by Public Services Committee March 21, 2005)
14. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3183 located at 3755 Wheeler Rd... District 3. Super District 10. (Approved by Public Services Committee March 21, 2005)
15. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3170 located at 2574 Tobacco Rd. District 4. Super District 9. (Approved by Public Services Committee March 21, 2005)
16. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3180 located at 499 Highland Ave. District 7. Super District 10. (Approved by Public Services Committee March 21, 2005)
17. Motion to approve a request by Larry James White for a retail package Beer & Wine license to be used in connection with Circle K Stores, Inc. d/b/a Store 3168 located at 2855 Washington Rd. District 7. Super District 10. (Approved by Public Services Committee March 21, 2005)
18. Motion to approve Supplemental Agreement #1 between the Department of Transportation, the State of Georgia and Augusta Richmond County, Georgia. (Approved by Public Services Committee March 21, 2005)

ADMINISTRATIVE SERVICES:

19. Motion to authorize soliciting after review of the HR Department a RFP for voluntary employee benefits – portable universal life insurance. (Approved by Administrative Services Committee March 21, 2005)
20. Motion to authorize advertising/filling of vacant positions in the Finance Department. (Approved by Administrative Services Committee March 21, 2005)
21. Motion to approve Final Version of Year 2005-2009 Consolidated Plan and Year 2005 Action Plan for Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships and Housing Opportunities for Persons with AIDS (HOPWA) funds. (Approved by Administrative Services Committee March 21, 2005)
- 21A. Motion to approve the funding formula as identified by the Administrator and Director of AHED of the Economic Ombudsman Initiative via R-UDAG and/or General Fund. (Approved by Administrative Services Committee March 21, 2005)
22. Motion to adopt Resolution authorizing Submission Year 2005-2009 Consolidated Plan and Year 2005 Action Plan for Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), HOME Investment Partnerships and Housing Opportunities for Persons with AIDS funds. (Approved by Administrative Services Committee March 21, 2005)
23. Deleted from the consent agenda.
24. Motion to approve new positions in Utilities Department and Information Technology. (Approved by Administrative Services Committee March 21, 2005)

APPOINTMENTS:

25. Motion to appoint and/or reappoint the following to various ARC Boards, Commissions and Authorities representing District 8.

NAME	BOARD/COMMISSION/AUTHORITY
Bob Woodhurst	Canal Authority
Charles Byrd	ARC Personnel Board
Brad Kyzer	Augusta Aviation Commission
Hardie Davis, Jr.	Zoning Appeals Board
Hugh Fulcher, Jr.	Planning Commission
Irma Lorie Williams	Citizen Advisory Housing & Economic Development
Randy Peters	Human Relations

PETITIONS AND COMMUNICATIONS:

26. Motion to approve the minutes of the regular meeting of the Commission held March 15, 2005.

ATTORNEY:

27. Motion to approve Ordinance to amend Title 4 Chapter 2 Section 6 of the Augusta-Richmond County Code to provide for increased fees for the use of the Augusta-Richmond County Solid Waste Landfill; to provide for

severability; to provide an effective date and for other lawful purposes.
(Approved by the Commission in meeting March 15, 2005 – second reading)

ENGINEERING SERVICES:

36. Consider a request for an easement for pipeline in county right of way at Doug Barnard Parkway for FinnChem USA, Inc.
37. Approve Augusta Utilities Department participation in the Water Environment Research Foundation Biosolids Research Plan at a cost of \$5,000.00 per year for five years with a total cost of \$25,000.00 (Funded from Account 506043110-5212999).
38. Presentation by Ms. Doris Lehan regarding an exemption from the solid waste fee. (Received as information)
39. Presentation of Savannah River at Risk Research Program by Dr. Gene Eidson to aid in request for \$300,000.00 funding from Augusta.
40. Approve the Deed of Dedication and Maintenance Agreement for the water and sanitary sewer mains with applicable easements for Alexander Commons, Phase V.
41. Approve the Deed of Dedication and Maintenance Agreement for the water, sanitary sewer mains and lift station with applicable easements for Wheeler Lake, Phase Two, Section One.
42. Authorize the Augusta Utilities Department to notify perspective firms of the selection results and proceed with negotiations of a contract with the top ranked firm, Parsons Water & Infrastructure Inc. for Construction Manager at Risk Services for the Highland Ave. Water Treatment Plant Upgrade Project. RFQ # 05-067
43. Approve an Option for Easement between National Welder Supply Company, Inc, as successor by merger with National Realty Sales Corporation, as owner, and Augusta, Georgia, for the following property located at 519 National Avenue for the purchase price of \$237.00: 537 square feet, more or less, of permanent utility and maintenance easement and 952 square feet, more or less, of temporary construction easement.
44. Deleted from the consent agenda.
45. Authorize execution of Lighting Agreement with the Georgia Department of Transportation for the Windsor Spring Road Phase V Project. The estimated annual cost of \$21,000 per year to cover operations and maintenance will be funded from Street Light Account No. 276-04-1610/53.12310 once the millage rate is adjusted after the project is complete.
46. Authorize execution of Lighting Agreement with the Georgia Department of Transportation for the Windsor Spring Road Phase IV Project. The estimated annual cost of \$25,000 per year to cover operations and maintenance will be funded from Street Light Account No. 276-04-1610/53.12310 once the millage rate is adjusted after the project is complete.
47. Deleted from the consent agenda.
48. Approve new positions in Utilities Department and Information Technology. (See background information under Item 24 on Administrative Services agenda)

49. Discuss the paving of Youngblood Road. (Requested by Commissioner Smith) (Received as information with a report back in two weeks)

Mr. Smith: I'd like to move that we add to this consent agenda the two items, 1 and 2 from the addendum agenda.

Ms. Sims: I move that we add the two items on the addendum agenda.

Mr. Cheek: Second.

Mr. Hankerson and Mr. Mays out.

Motion carries 7-0.

Addendum Item 1. Motion to ratify Augusta Recreation applying and accepting a grant award (no matching funds required) in the amount of \$2,500 from the International Paper Company to assist with the Senior Citizens Nutritional Program.

Addendum Item 2. Motion to approve the appointment of Jay Forrester to the HED Citizens Advisory Committee for District 10. (Requested by Commissioner Grantham)

Mr. Cheek: A motion to approve the consent agenda.

Ms. Sims: Second.

Motion carries 9-0. [Items 1-3, 5-22, 24-27, 36-43, 45-46, 48-49, Addendum Items 1 and 2]

APPEALS HEARING:

58. Consider a request for reconsideration from Mr. J. Pete Theodocion, Attorney At Law regarding Commission action taken in the regular meeting held March 15, 2005 denying a new application request by Back Hap Ja Son for a retail package Beer & Wine license to be used in connection with Corner Mini Mart located at 635 Laney Walker Blvd. District 1. Super District 9.

Mr. Colclough: I'd like to make a motion that we deny it.

Mr. Cheek: Second.

(15 supporters of the denial are noted)

Mr. Shepard: The maker of the motion asked me to incorporate these additional considerations in the motion which is listed in our code Section 6-2-65 and Subsection A 4 and 5. The location is being considered and that is the location for which the license is sought as to traffic congestion, the general character of the

neighborhood and the effect that such an establishment would have on the adjacent and surrounding property values. Also the number of licenses in the trading area is part of the consideration.

Motion carries 9-0.

57. Motion to approve the Mayor's Council on Homelessness 10-year Plan to end chronic homelessness.

Mr. Colclough: A motion to approve.

Mr. Cheek: Second.

Motion carries 9-0.

4. Motion to approve a request by Joseph E. Taylor for an on premise consumption Beer & Wine license to be used in connection with the Exchange Club Fairgrounds located at 308 Hale St. District 1. Super District 9. (Approved by Public Services Committee March 21, 2005)

(Mr. Grantham does not participate in any discussion or vote on this item)

Ms. Sims: I make a motion we approve.

Mr. Cheek: Second.

Mr. Williams abstains.

Mr. Colclough votes No.

Mr. Grantham not voting.

Motion carries 6-1-1.

23. Motion to approve new position of Assistant Director for Water Distribution & Wastewater Collection – Utilities. (Approved by Administrative Services Committee March 21, 2005)

47. Approve new position of Assistant Director for Water Distribution & Wastewater Collection – Utilities. (See background information under Item 23 under Administrative Services agenda)

Mr. Hankerson: I'd like to put it in the form of a motion to approve this.

Mr. Cheek: Second.

Mr. Williams abstains.

Mr. Mays not voting.

Motion carries 7-1.

44. Approve funding in the amount of \$1,687,636.12 and award the construction contract to Blair Construction for the construction of the Horsepen Branch Sanitary Sewer 1b phase, Bid #05-064.

Ms. Beard: I'm going to move that we allow this contract to go through and refer anything else to the committee.

Mr. Cheek: Second.

Mr. Williams abstains.

Motion carries 8-1.

Mr. Williams: I would like to reconsider Item 42.

Mr. Colclough: I so move.

Mr. Cheek: I'll second it.

Mr. Smith, Ms. Sims and Mr. Grantham vote No.

Mr. Colclough abstains.

Motion fails 5-3-1.

PLANNING:

28. Z-05-22 - A request for concurrence with the Augusta-Richmond County Planning Commission to approve a petition by Garey Vangarden, on behalf of Geosong Presbyterian Church of Augusta, requesting a Special Exception to establish a church including day care activities, per Section 26-1 (a) of the Comprehensive Zoning Ordinance for Augusta-Richmond County affecting property located at 1629 Barton Chapel Road and containing 3.07 acres. (Tax Map 53 Parcel 64) DISTRICT 3 (Deferred from the March 15, 2005 meeting)

Mr. Hankerson: I make a motion that we approve it with the site plan being brought back to us.

Mr. Cheek: Second.

Motion carries 9-0.

PUBLIC SAFETY:

29. Ms. Mattie Mitchell to appear before the committee regarding an incident at the Landfill concerning the disposal of dead animals.

Mr. Cheek: I move that we receive this as information.

Mr. Colclough: Second.

Motion carries 9-0.

30. Approve renewal of lease agreement for 3501 Walton Way Extension, Fire Station #9.

Mr. Mays: I so move.

Ms. Sims: Second.

Motion carries 9-0.

FINANCE:

**31. Discuss Fleet Maintenance contract which will expire on December 31, 2005.
(Referred from March 7 Finance Committee)**

Mr. Grantham: I'm going to make a motion that we refer this back to committee for discussion.

Mr. Cheek: Second.

Motion carries 9-0.

**32. Update from the Finance Director regarding a description of urban services.
(Referred from February 21 Finance Committee)**

Ms. Sims: I move that we refer this back to the Finance Committee.

Mr. Grantham: Second.

Mr. Hankerson: I move that we refer it back to the Finance Committee and look at both the urban and suburban districts in the discussion.

Mr. Mays: Second.

(Vote on the substitute motion)

Motion carries 9-0.

33. Motion to approve refund on 19 accounts from the Tax Assessors Office.

Ms. Beard: I so move.

Mr. Grantham: Second.

Motion carries 9-0.

34. Motion to approve the acquisition of 28 public safety patrol vehicles, 4 traffic vehicles for Sheriff's Office – Road Patrol and 2 public safety transport sedans for Civil/Fugitive Division of the Sheriff's Office.

Ms. Sims: I so move to approve.

Mr. Grantham: Second.

Mr. Mays out.

Mr. Williams abstains.

Motion carries 7-1.

35. Discuss the City Attorney/Law Department. (Requested by Commissioner Williams)

Mr. Mays: I move that we receive this as information.

Mr. Colclough: Second.

Mr. Cheek and Mr. Grantham out.

Motion carries 7-0.

ENGINEERING SERVICES:

50. Discuss the Public Works Departments. (Requested by Commissioner Williams)

Mr. Cheek: I move that we receive this as information and have a report back from the Administrator at the April 11 committee meeting.

Ms. Sims: Second.

Motion carries 9-0.

PETITIONS AND COMMUNICATIONS:

51. Discuss Sports Arena for Special Purpose Local Option Sales Tax V (SPLOST) (Requested by Commissioner Andy Cheek)

Mr. Cheek: A motion to receive as information and refer it to the SPLOST work session.

Mr. Hankerson: Second.

(Vote on question of whether to discontinue debate on motion on floor)

Mr. Williams votes No.

Motion carries 7-1.

(Vote on motion to receive as information)

Mr. Colclough out.
Mr. Mays abstains.
Motion carries 7-1.

APPOINTMENTS:

52. Consider one from the nominations submitted from the Legislative Delegation for appointment as Chairman of the Richmond County Board of Elections.

- **Ms. Linda Beasley**
- **Ms. Carol Spurgeon**
- **Mr. Darryl L. Brown**

Mr. Hankerson: I move that we accept Linda Beasley.

Mr. Grantham: Second.

Mr. Colclough out.
Motion carries 8-0.

53. Consider the following nominations from the Richmond County Board of Family and Children Services and Commissioner Betty Beard to fill the unexpired terms- due to the resignations of Hugh Connolly and Neita Mulherin

- **Ms. Ernestine Thompson**
- **Dr. Clifford Gardiner**
- **Ms. Bernice Hankerson (Nominated – Betty Beard)**

Mr. Cheek: I would like to nominate Dr. Clifford Gardiner along with Ms. Hankerson.

Mr. Mays: Second.

Mr. Colclough out.
Motion carries 8-0.

54. Consider the recommendation of the Richmond County Board of Health for the appointment of Neal A. McQueen to the Community Services Board of East Central Georgia to fill the unexpired term due to the resignation of Sandra Hutchinson.

Mr. Mays: So move.

Mr. Cheek: Second.

Mr. Colclough out.
Motion carries 8-0.

OTHER BUSINESS:

55. Discuss the financial institutions that house city monies. (Requested by Mayor Pro Tem Marion Williams)

Ms. Sims: I move that we receive this as information.

Ms. Beard: Second.

Mr. Mays: Could we ask for an amendment that this come back to Finance?

(No opposition to amendment)

Mr. Colclough out.

Motion carries 8-0.

55A. Discuss the city's policy concerning former and/or current city employees accepting employment with contractors performing work for city government. (Requested by Mayor Pro Tem Marion Williams)

Mr. Cheek: I move that we receive this as information and bring it to the next Administrative Services Committee.

Ms. Sims: Second.

Mr. Mays and Mr. Colclough out.

Motion carries 7-0.

ATTORNEY:

59. Motion to authorize the Junior League of Augusta, Inc to construct a playground at Pendleton King Park.

Mr. Cheek: I move for approval.

Mr. Grantham: Second.

Mr. Mays and Mr. Colclough out.

Motion carries 7-0.

56. Discuss report from AHED relative to the itemized list of accountability of the \$500,000 predevelopment grant monies. (Requested by Mayor Pro Tem Marion Williams)

Ms. Sims: I move we receive this as information.

Mr. Cheek: Second.

Mr. Mays and Mr. Colclough out.
Motion carries 7-0.

60. LEGAL MEETING:

- A. Pending and potential litigation.**
- B. Real Estate.**
- C. Personnel.**

Mr. Cheek: So move.

Ms. Sims: Second.

Mr. Mays and Mr. Colclough out.
Motion carries 7-0.

[LEGAL MEETING]

61. Motion to approve authorization for the Mayor to execute affidavit of compliance with the Georgia's Open Meetings Act.

Mr. Cheek: I so move.

Mr. Grantham: Second.

Mr. Colclough and Ms. Beard out.
Motion carries 7-0.

62. Add and approve actions from legal session regarding

- a. Pending and potential litigation.**
- b. Real Estate.**
- c. Personnel.**

Mr. Shepard: I'd ask that there be a motion to add and approve the conclusion of the suit for condemnation of the property at the K-Mart bus stop in the amount of \$12,500 paid to the condemnee which is known as the Schonfeld Family Trust.

Mr. Cheek: I so move.

Ms. Sims: Second.

Mr. Colclough and Ms. Beard out.
Motion carries 7-0.

Mr. Shepard: I'd also like to ask you to add and approve the severance agreement with E. W. Reece and that is basically a payment of his salary through June 24 for services through June 17th. In the paychecks from April 1 through June 10 his salary and benefits will be continued as set forth in the severance agreement and then on his last paycheck he will be given a lump sum for accrued vacation and holiday pay all in a not to exceed amount of \$33,357.78. That is subject to reduction for all taxes and benefits.

Ms. Sims: So move.

Mr. Cheek: Second.

Mr. Colclough and Ms. Beard out.
Motion carries 7-0.

Mr. Shepard: In order that we can finish the matters in the legal session in a less rushed manner we can go ahead and recess until 2:00 on Thursday and come back into legal session and cover some matters that we didn't have time to do.

Mr. Mays: So move.

Mr. Cheek: Second.

Mr. Colclough and Ms. Beard out.
Motion carries 7-0.

[MEETING RECESSED]

Lena J. Bonner
Clerk of Commission

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